REMARKS

In the Official Action mailed on **January 19, 2005,** the Examiner reviewed claims 91-141. Claims 91-99, 101-103, 109-116, 119-120, 122, 124-128, 130-132, 134, 136-139, and 141 were rejected under 35 U.S.C. §102(e) as being anticipated by Wu et al. (USPN 6,370,620, hereinafter "Wu"). Claims 98, 113, 118, 127, and 129 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jordan et al. (USPub No. 2002/0026560, hereinafter "Jordan") in view of Challenger et al. (USPN 6,266,742, hereinafter "Challenger").

Rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a)

Independent claims 91, 112, 113, 126, 127, 136, 137, and 141 were rejected as being anticipated by Wu. Applicant respectfully points out that Wu **always caches secondary content** in local LRU stack 101 (see Wu, FIG. 3, index 103, FIG. 4, index 304, and col. 4, lines 7-24). Note that Wu makes no distinction at this point whether content is primary or secondary—it is **always** stored. At FIG. 3, index 203 cited by the Examiner, content that is already stored in local LRU stack 101, whether primary or secondary, is moved to the top of local LRU stack 101. At FIG. 4, index 305 cited by the Examiner secondary content that was previously stored in local LRU stack 101 is removed to make room for the new content including new secondary content.

In contrast, the present invention stores secondary content in the cache only if the secondary content **meets specified criteria** (see FIG. 2, index 216 and page 13, line 24 to page 14, line 4 of the instant application). This is beneficial because it allows the system to divide cacheable content into two categories: (1) owned by the first cache; and (2) owned by another cache. It furthermore facilitates treating these two types of content differently. For example, it facilitates storing secondary content in the cache only if it meets specified criteria such as the object's age, popularity, validity, size, the cost of re-acquiring the

13

object, etc. There is nothing within Wu, either explicit or implicit, which suggests storing secondary content in the cache only if the secondary content meets specified criteria.

Accordingly, Applicant has amended independent claims 91, 112, 113, 126, 127, 136, 137, and 141 to clarify that the present invention stores secondary content in the cache only if the secondary content meets specified criteria. These amendments find support in FIG. 2, index 216 and on page 13, line 24 to page 14, line 4 of the instant application.
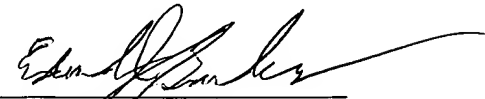
Hence, Applicant respectfully submits that independent claims 91, 112, 113, 126, 127, 136, 137, and 141 as currently amended are in condition for allowance. Applicant also submits that claims 92-111, which depend upon claim 91, claims 114-125, which depend upon claim 113, claims 128-135, which depend upon claim 127, and claims 138-140, which depend upon claim 137, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

14

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By _____

Edward J. Grundler
Registration No. 47,615

Date: February 8, 2005

Edward J. Grundler
PARK, VAUGHAN & FLEMING LLP
2820 Fifth Street
Davis, CA 95616-2914
Tel: (530) 759-1663
FAX: (530) 759-1665

15